UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16-18,20-28 and 33-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,16-18,20-28, and 33-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   The amendment received on 06/24/2008 has been considered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-6, 8-14, 18,20-22,24-28,33-38, and 40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Sparks II (US 6,352,479) in view Barnes et al US 2005/0181347).

Re claims 1 and 40: Sparks II teaches a method for matching users over a network in an

online/ *WWW* gaming environment, the method comprising steps of entering a user into a first

online game / *previous initial visit* **(see col.5, lines 19-21)**; determining a play style parameter of

a requesting user based on the at least one response, and connecting the requesting user to a

second / *subsequent* online game based at least in part on the determined play style parameter;

wherein the user is the requesting user **(see Figs. 6A and 6B; col.5, lines 5-25 and col.6, lines**

23-33); wherein the connecting is based at least in part on a collaborative filtering method that

aids the requesting user in the selection of the second online game based upon evaluations of the

second online game made by the other users **(see fig.12; col.8, lines 45-51)**.

However, Sparks II does not explicitly teach receiving at least one response to at least

one query about the first online game experience following completion of the first online game.

Barnes et al teaches teach receiving at least one response to at least one query about the first online game experience following completion of the first online game **(see par.[0045]**.

Therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Barnes et al into the teaching of Sparks II. One would be motivated to do this so as to track the characteristics and behavior of each player in the online gaming network so as to provide a means for matching based on the feedback from the players of the game.

Re claims 2-5: Sparks II teaches the method of matching users, wherein the determining step (106, 108) comprises the steps of receiving a profile of the requesting user, and identifying the play style parameter of the requesting user in the profile. **(see Fig. 5A; col.5, lines 5-8)**; wherein the connecting steps includes the step (306) of determining whether the determined play style parameter matches a play style parameter requirement for the second / *subsequent* online game. **(see Fig. 11A; col.6, lines 21-31)**; further comprising the steps (114) of providing a list of online games with a play style parameter requirement that matches the determined play style parameter of the requesting user, and receiving a selection signal (116) representative of the second online game from the list of online games **(see Figs. 5A and 5B; col.5, lines 26-39)**; wherein the determining step comprises the steps of providing a list of play style parameters, and receiving a selection signal representative of the play style parameter from the list of play style parameters **(see col.3, lines 56-63; col.8, lines 24-31).**

Re claim 6: Sparks II teaches the method of matching users, further comprising the steps

of receiving a request to initiate a matchmaking service for the requesting user, receiving

identification data of the requesting user, and retrieving a profile of the requesting user **(see Fig.**

12; col.8, lines 39-51).

Re claim 8: Sparks II teaches the method of matching users, further comprising the steps

(202, 204, 208) of determining whether a profile / *user name* exists for the requesting user, and

loading the existing profile of the requesting user **(see Fig.6A; col.5, lines 56-67; col.6, lines 1-**

3).

Re claim 9: Sparks II teaches the method of matching users, further comprising the steps

(112) of determining whether to create a new profile / *new preference* of the requesting user, and

creating the new profile of the requesting user **(see Fig.5A; col.5, lines 20-25).**

Re claim 10: Sparks II teaches the method further, comprising the steps (112) of

receiving at least one parameter for the requesting user, and storing the at least one parameter in

the new profile **(see Fig.5A; col.5, lines 22-25).**

Re claim 11: Sparks II teaches the method wherein the at least one parameter includes the

play style parameter of the requesting user **(see col.5, lines 22-23).**

Re claim 12: Sparks II teaches the method of matching users, further comprising the steps of receiving a request to host the second online game, receiving at least one parameter requirement for the second online /*WWW* game, the at least one parameter requirement includes a play style parameter requirement, and determining whether the play style parameter of the requesting user matches the at least one parameter requirement for the second online game.**(see Figs. 6A and 6B; col.5, lines 5-25).**

Re claim 13: Sparks II teaches the method of matching users, further comprising steps (210) of determining whether a profile of the requesting user is to be modified, and modifying the profile of the requesting user **(see Fig.6A; col.6, lines 3-17).**

Re claim 14: Sparks II teaches the method further, wherein the step of determining whether the profile of the requesting user is to be modified includes a step of receiving data from a collaborative filtering/ *correlation* process **(see Fig.5A; col.6, lines 12-16).**

Re claim 18: Sparks II teaches a matchmaking system for matching users over a network in an online gaming environment, the matchmaking system comprising a matchmaking server (12) configured to connect a user to a first online game / *previous initial visit*, to determine a play style parameter of a requesting used based on the at least one response, and to connect the requesting user to a second a online game based at least in part upon the determined play style parameter of the requesting user and on a collaborative filtering method that aids the requesting user in the selection of the second online game based upon evaluations of the second online

game made by the other users **(see fig.12; col.5, lines 19-21; col.6, lines 23-33; and col.8, lines 45-51)**; a database configured to store a profile of the requesting user, the profile including the play style parameter of the requesting user **(see Fig.4; col.4, lines 18-25; col.5, lines 26-39).**

However, Sparks II does not explicitly teach receiving at least one response to at least one query about the first online game experience following completion of the first online game.

Barnes et al teaches teach receiving at least one response to at least one query about the first online game experience following completion of the first online game **(see par.[0045].**

Therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Barnes et al into the teaching of Sparks II. One would be motivated to do this so as to track the characteristics and behavior of each player in the online gaming network so as to provide a means for matching based on the feedback from the players of the game.

Re claim 20: Sparks II teaches the matchmaking system, further comprising a computer (20) configured to process data based upon a collaborative filtering/ *correlation* process **(see Fig. 2; col.6, lines 23-31).**

Re claim 21: Sparks II teaches the matching system wherein the matchmaking server (12) includes the computer (20) **(see Fig. 2; col.3, lines 14-18).**

Re claim 22: Sparks teaches the matching system wherein the computer (20) is further configured to modify the profile of the requesting user responsive to processed data **(see Fig. 2; col.6, lines 1-17).**

Re claim 24: Sparks II teaches the matching system wherein the play style parameter comprises one of technical capability and general skill level **(see col.8, lines 41-56).**

Re claim 25: Sparks II teaches the matching system wherein the play style parameter of the requesting user is associated with a particular online game **(see Fig. 11A and 11B; col.6, lines 18-33).**

Re claim 26: Sparks II teaches a method for matching a first player with a second player over a network in an online gaming environment, the method comprising steps of entering a user into a first online game / *previous initial visit* **(see col.5, lines 19-21)**; storing the at least one response in a database; receiving a request to initiate a matchmaking service for the first player; receiving identification data of the first player; retrieving a profile of the first player; determining a play style parameter of the first player based on the at least one response; applying the collaborative filtering method that aids the requesting user in the selection of the second online game based upon evaluations of the second online game made by the other users, and connecting the first player and the second players to a second online game based at least in part on the determined play style parameter **(see Fig. 11A,11B, and 12; col.4, lines 18-25; col.6, lines 23-33; and col.8, lines 45-51).**

However, Sparks II does not explicitly teach receiving at least one response to at least one query about the first online game experience following completion of the first online game.

Barnes et al teaches teach receiving at least one response to at least one query about the first online game experience following completion of the first online game **(see par.[0045]**.

Therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Barnes et al into the teaching of Sparks II. One would be motivated to do this so as to track the characteristics and behavior of each player in the online gaming network so as to provide a means for matching based on the feedback from the players of the game.

Re claims 27 and 28: Sparks II teaches the method for matching, wherein the step (318) of determining includes the step of determining a likelihood of whether the second player is a good match for the first player; wherein the step (318) of determining further includes the step of determining a likelihood of whether the first player is a good match for the second player **(see Fig. 11B; col.7, lines 21-24).**

Re claim 33: Sparks II teaches the method, wherein the step of determining / *matching operation* is based at least in part upon a play style parameter of the second player / *other users* **(see col.6, lines 23-31).**

Re claims 34 and 35: Sparks II teaches the method, wherein the step of determining is based at least in part upon data representative of a previous response of the second player / *user;*

wherein the step of determining is based at least in part upon data representative of a previous response of a third player / *user* **(see col.6, lines 58-60).**

Re claim 36: Sparks II teaches the method, wherein the previous response is an evaluation of the second player **(see Fig. 6A; col.7, lines 21-28).**

Re claim 37: Sparks II teaches the method, wherein the previous response is an evaluation of the second online /*WWW* game **(see Fig. 6A; col.5, lines 17-25)**.

Re claim 38: Sparks II teaches the method wherein the step of determining is based upon an evaluation of the first player / *determining a skill level of the game player* made by others / *network server* following a previous online / *network* game **(see col.8, lines 45-51)**.

4.   Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume (US 6,203,433) in view of Sparks II (US 6,352,479) and Barnes et al US 2005/0181347).

Re claim 16: Kume teaches a computer readable medium (11) having computer executable instructions for matching users over a network in an online gaming environment, the method comprising steps of determining a play style parameter of a requesting user, and connecting the requesting user to an online / *network* game based at least in part on the determined play style parameter **(see Fig. 1; col.2, lines 15-26; col.4, lines 41- 48)**.

However, Kume fails to teach entering a user into a first online game / *previous initial visit;* receiving at least one response to at least one query about the first online game experience

following completion of the first online game **(see col.5, lines 19-21)**; determining a play style parameter of a requesting user based on the at least one response, and connecting the requesting user to a second / *subsequent* online game based at least in part on the determined play style parameter wherein the connecting is based at least in part on a collaborative filtering method.

Sparks II teaches entering a user into a first online game / *previous initial visit* **(see col.5, lines 19-21)**; determining a play style parameter of a requesting user based on the at least one response, and connecting the requesting user to a second / *subsequent* online game based at least in part on the determined play style parameter wherein the connecting is based at least in part on a collaborative filtering method that aids the requesting user in the selection of the second online game based upon evaluations of the second online game made by the other users **(see Figs. 6A,6B, and 12; col.5, lines 5-25,col.6, lines 23-33, and col.8, lines 45-51)**.

Barnes et al teaches teach receiving at least one response to at least one query about the first online game experience following completion of the first online game **(see par.[0045]**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the inventions of Kume, Spars II, and Barnes et al and include a method of connecting a requesting user to an online game based at least in part on a collaborative filtering method, since collaborative filtering methods help to reduce the information overload that the person may encounter in a matchmaking environment system by employing the evaluation of individual players of the game thereby providing enjoyment and game satisfaction to the requesting user by providing a game based on the evaluation of that user. One would be motivated to do this so as to track the characteristics and behavior of each player

in the online gaming network so as to provide a means for matching based on the feedback from

the players of the game.

Re claim 17: Kume teaches the computer readable medium (11), the method further

comprising steps of receiving a request to host the second online / *network* game, receiving at

least one parameter requirement for the second online game, the at least one parameter

requirement includes a play style parameter requirement, and determining whether the play style

parameter of the requesting user matches the at least one parameter requirement for the second

online / *network* game **(see Fig. 1; col.4, lines 46-67)**.

5.   Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II

(US 6,352,479) in view of Barnes et al US 2005/0181347and further in view of Shaw et al (US

2002/0083179). The teachings of Sparks and Barnes et al have been discussed above.

Re claims 7 and 23: Sparks II teaches the system and method for matching users over a

network in an online gaming environment.

However, Sparks II fails to teach the system and method of matching wherein the play

style parameter comprises one of a competitive parameter, a profanity parameter, a trash talking

parameter, an aggressiveness parameter, playing likeability, and enacting the role.

Shaw et al teaches this matching making system and method, wherein the play style

parameter comprises one of a competitive parameter, a profanity parameter, a trash talking

parameter, and an aggressiveness parameter / *aggressiveness behavior* **(see Fig.1; page 2,**

par.[0015]).

Therefore in view of Shaw et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the matching method of Sparks with Shaw et al's matching method so that users of the online gaming environment can play games with other players of the same behavior or parameter in real-time according to the collected behavior and parameter to make applications behave in a customized manner to enhance the user's experience.

6.   Claims 39,41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Barnes et al US 2005/0181347 and further in view of Fuller et al (US 6,216,112). The teachings of Sparks and Barnes et al have been discussed above.

Re claims 39,41, and 42: Sparks II teaches the system and method for matching users over a network in an online multi-player gaming environment.

However, Sparks II fails to explicitly teach wherein the at least one query includes a question as to whether the user enjoyed playing the at least one other player in the first online game.

Fuller et al teaches asking a question such as what color automobiles do the user prefer **(see col.15, lines 38-41)**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the question of Fuller et al into the multi-player online game of Sparks II. One would be motivated to this so as to have a network gaming system with surveys and questions asked upon conclusion of the game so has to get a response needed in matchmaking players and users in the gaming environment. **Although Fuller doesn't explicitly ask the**

question if the user enjoyed the game, it is well know in the art that any form of question or questions could be asked during a survey at the end of a game; therefore asking if the user enjoyed the game is simply a design choice.

Response to Arguments

7   Applicant's arguments filed 06/24/2008 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beckett teaches a method of doing business using on-line skill-based gaming; Morrell discloses a systems and methods for distributing goods, services and benefits according to grouped member matrices.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714